August 24, 2001

Please type a plus sign (+) inside this box + PTO/SB/21 (08-00) Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. 09/857,234 Application Number **TRANSMITTAL** June 1, 2001 **Filing Date FORM** Jennifer Campbell **First Named Inventor** (to be used for all correspondence after initial filing) **Group Art Unit Examiner Name** 021340-00008 Total Number of Pages in This Submission Attorney Docket Number **ENCLOSURES** (check all that apply) After Allowance Communication Assignment Papers Fee Transmittal Form (for an Application) to Group Appeal Communication to Board Fee Attached Drawing(s) of Appeals and Interferences Licensing-related Papers Appeal Communication to Group Amendment/Reply (Appeal Notice, Brief, Reply Brief) Petition After Final Proprietary Information Petition to Convert to a Affidavits/declaration(s) Provisional Application Status Letter Power of Attorney, Revocation Change of Correspondence Address Other Enclosure(s) (please **Extension of Time Request** identify below): Terminal Disclaimer Copy - PCT/DO/EO/905 & 917 **Express Abandonment Request** Original application as filed Request for Refund Substitute Declaration as filed Information Disclosure Statement CD, Number of CD(s) Return Postcard Certified Copy of Priority Document(s) Remarks Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm **Eckert Seamans Cherin & Mellott** Individual name Daniel C. Abeles Signature Date August 24, 2001 **CERTIFICATE OF MAILING** I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: August 24, 2001 Jean Laible Typed or printed name

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Date

Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

) Attorney Docket No: 021340-00008
)
) Entitled:
)
) METHOD AND APPARATUS FOR
) MULTIPLE STAGES OF MASS
) SPECTROMETRY

Eckert Seamans Cherin & Mellott 600 Grant Street, 44th Floor Pittsburgh, PA 15219

Assistant Commissioner for Patents BOX PCT Washington, DC 20231

21 SEP 2001 Lega: তাহার্য International Division

RESPONSE TO A NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This is in response to the corrected Notification of Missing Requirements under 35 U.S.C. § 371 with regard to the Notification Of A Defective Oath Or Declaration. The oath or declaration was stated as being defective because: (i) It does not identify the application to which it is directed; (ii) Does not identify the mailing address of each inventor; and (iii) Does not identify the foreign application for patent or inventor certificate for which a claim for priority is made under 37 C.F.R 1.55. In addition, the surcharge for providing the oath or declaration later than the appropriate 30 months from the priority date has not been submitted.

The original oath was submitted with the filing of the application under 35 U.S.C. § 371, with the signature of only two of the three inventors. The first inventor's signature was subsequently obtained on the same declaration and the declaration was resubmitted on June 22, 2001. It is respectfully noted that the signature dates on the declaration show that two inventors signed prior to filing and that the remaining inventor signed just subsequent to filing. The application was attached to the declaration as indicated when each of the inventors signed. Enclosed for the Examiner's information is the fully executed declaration that identifies the attachment as the application to which it refers. Accordingly, it is

respectfully asserted that the declaration properly does identify the application to which it is directed.

It is respectfully noted that both the mailing address of each inventor and the priority information were supplied on the Application Data Sheet, and the declaration complies with 37 C.F.R. § 4.97 entitled "Oath or Declaration Under 35 U.S.C. § 371(c)(4). The foregoing Section deals with the filing of the national stage of an international application under 35 U.S.C. § 371, under which this application was filed; rather than the filing of a new U.S. application that claims the priority of a foreign application under the Paris Convention. Section 1.497(a)(3) identifies that only each inventor and the country of citizenship of each inventor need be specified, as applicant's have done. It is further noted that the declaration was provided with all information required filled in on a PTO approved form PTO/SB/01A, approved for use through 10/31/2002. The form is entitled Declaration (37 CFR 1.63) For Utility or Design Application Using An Application Data Sheet (37 CFR 1.76). Thus it is respectfully noted that the enclosed declaration meets the full requirements of the statute and corresponding patent regulations.

The Examiner is authorized to charge Eckert Seamans Deposit Account No. 02-2556 in the amount of \$130.00, which is the surcharge for providing the oath or declaration later than 30 months from the priority date. Any further deficiency/credit in payment may also be charged/credited to the same account.

Respectfully submitted,

Daniel C. Abeles

Registration No. 25,822

Attorney for Applicants

412.566.1295

8/24/61 Date

08/31/2001 LLANDGRA 00000025 022556 09857234

01 FC:154

130.00 CH